UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA LAFAYETTE DIVISION

LEE ANN PLUMMER, Derivatively on Behalf of Nominal Defendant LHC GROUP, INC.,

Plaintiff,

ν.

KEITH G. MYERS, DONALD D.
STELLY, PETER J. ROMAN, W.J.
"BILLY" TAUZIN, MONICA F. AZARE,
SENATOR JOHN B. BREAUX, TED W.
HOYT, JOHN L. INDEST, GEORGE A.
LEWIS, RONALD T. NIXON,
KENNETH E. THORPE, DAN S.
WILFORD, ANGIE M. BEGNAUD, and
BARBARA GOODMAN,

Defendants,

and

LHC GROUP, INC.,

Nominal Defendant.

SHARON McCORMACK, Derivatively on Behalf of Nominal Defendant LHC GROUP, INC.,

Plaintiff,

ν.

KEITH G. MYERS, DONALD D.
STELLY, PETER J. ROMAN, W.J.
"BILLY" TAUZIN, MONICA F. AZARE,
SENATOR JOHN B. BREAUX, TED W.
HOYT, JOHN L. INDEST, GEORGE A.
LEWIS, RONALD T. NIXON,
KENNETH E. THORPE, DAN S.
WILFORD, ANGIE M. BEGNAUD, and

CIVIL ACTION
Case Nos. 6:13-cv-02899-JTT-CMH
& 6:13-cv-03301-JTT-PJH

BARBARA GOODMAN,

Defendants,

and

LHC GROUP, INC., a Delaware corporation,

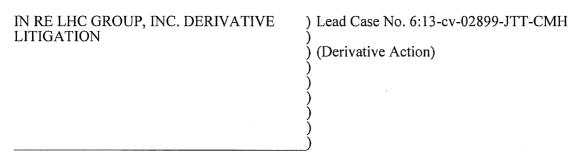
Nominal Defendant.

ORDER CONSOLIDATING RELATED ACTIONS, APPOINTING CO-LEAD COUNSEL AND LIAISON COUNSEL, AND STAYING CONSOLIDATED ACTION

Upon consideration of the *Joint Motion to Lift Stay For Limited Purpose, Consolidate Related Actions, Appoint Co-Lead Counsel and Liaison Counsel, and Stay Consolidated Action* (the "Joint Motion"), is it HEREBY ORDERED as follows:

- 1. The Court's December 6, 2013 Order staying the proceedings in *Plummer v. Myers* et al., No. 6:13-cv-02899-JTT-CMH, is hereby lifted for the limited purpose of considering and ruling on the Joint Motion.
- 2. The cases of *Plummer v. Myers et al.*, No. 6:13-cv-02899-JTT-CMH, and *McCormack v. Myers et al.*, No. 6:13-cv-03301-JTT-PJH, are hereby deemed related and consolidated for all purposes, including pre-trial proceedings and trial, into one consolidated action (the "Consolidated Derivative Action").
- 3. Every pleading filed in the Consolidated Derivative Action, or in any separate action included herein, shall bear the following caption:

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA LAFAYETTE DIVISION



- 4. The files of the Consolidated Derivative Action shall be maintained in one file under Lead Case No. 6:13-cv-02899-JTT-CMH.
- 5. The following counsel are hereby appointed as Co-Lead Counsel for Plaintiffs for the conduct of the Consolidated Derivative Action:

KESSLER TOPAZ MELTZER & CHECK LLP

Eric L. Zagar Robin Winchester Kristen L. Ross 280 King of Prussia Road Radnor, Pennsylvania 19087 Telephone: 610-667-7706 Facsimile: 267-948-2512

JOHNSON & WEAVER, LLP

Frank J. Johnson Nathan R. Hamler 110 West "A" Street, Suite 750 San Diego, California 92101 Telephone: 619-230-0063 Facsimile: 619-255-1856

6. The following counsel is hereby appointed as Liaison Counsel for Plaintiffs for the conduct of the Consolidated Derivative Action:

O'BELL LAW FIRM, LLC

Eric J. O'Bell (#26693) 3500 North Hullen Street Metairie, Louisiana 70002 Telephone: 504-456-8677 Facsimile: 504-456-8653

- 7. Plaintiffs' Co-Lead Counsel shall have sole authority to speak for Plaintiffs in matters regarding pre-trial procedure, trial and settlement negotiations and shall make all work assignments in such manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort.
- 8. Plaintiffs' Co-Lead Counsel will be responsible for coordinating all activities and appearances on behalf of Plaintiffs and for the dissemination of notices and orders

- of this Court. No motion, request for discovery, or other pre-trial or trial proceedings shall be initiated or filed by any Plaintiffs except through Plaintiffs' Co-Lead Counsel.
- 9. Defendants' counsel shall be entitled to rely upon all agreements made with Plaintiffs' Co-Lead Counsel, or any other duly authorized representative of Plaintiffs' Co-Lead Counsel, and such agreements will be binding on Plaintiffs.
- 10. This Order shall apply to each case arising out of the same or substantially the same transactions or events as the Consolidated Derivative Action, which is subsequently filed in, removed to, or transferred to this Court.
- 11. When a case which properly belongs as part of *In re LHC Group, Inc. Derivative Litigation*, Lead Case No. 6:13-cv-02899-JTT-CMH, is hereafter filed in this Court or transferred here from another court, counsel for the parties in this action shall call to the attention of the Clerk of the Court the filing or transfer of any case that might properly be consolidated as part of *In re LHC Group, Inc. Derivative Litigation*, Lead Case No. 6:13-cv-02899-JTT-CMH, and counsel for the parties in this action shall assist in assuring that counsel in subsequent actions receive notice of this Order.
- 12. All proceedings and deadlines in the Consolidated Derivative Action are hereby stayed pending the conclusion of expert discovery in the shareholder securities class action pending in the United States District Court for the Western District of Louisiana captioned *City of Omaha Police & Fire Ret. Sys. v. LHC Group, Inc.*, Case No. 6:12-cv-01609-JTT-CMH (the "Securities Class Action"), including any requirement that Defendants move, answer, or otherwise respond to any complaint in the Consolidated Derivative Action, including any subsequently filed consolidated complaint as referenced in the following sentence. Plaintiffs may file a consolidated complaint while the stay is pending. All defenses and objections to the Consolidated Derivative Action that Defendants may have, including, among

- others, the failure of any derivative plaintiff to make a pre-suit demand on the Board of Directors of LHC Group, Inc., are expressly reserved.
- 13. Upon completion of expert discovery in the Securities Class Action, the parties in the Consolidated Derivative Action shall meet and confer regarding future case scheduling.
- 14. Any party shall have the right to move the Court to lift the stay of the Consolidated Derivative Action so long as such party provides at least thirty (30) days written notice to the other parties before filing such a motion.

THUS DONE AND SIGNED THIS <u>J</u> day of <u>March</u>, 2014, in Lafayette, Louisiana.

C. MICHAEL HILL

UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record